

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DONNA FINNIGAN,

Plaintiff,

-against-

MATTITUCK-CUTCHOGUE UNION FREE
SCHOOL DISTRICT, JILL GIERASCH, and
DR. KATHLEEN DEVINE,

Defendants.
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AZRACK, United States District Judge:

Plaintiff Donna Finnigan (“Plaintiff”) commenced this action on June 26, 2020, against Defendants Mattituck Cutchogue Union Free School District (“District”), Jill Gierasch (“Superintendent Gierasch” or “Gierasch”), and Dr. Kathleen Devine (“Principal Devine” or “Devine”) (collectively, “Defendants”) alleging discrimination claims under the Americans with Disabilities Act of 1990 (“ADA”) and New York Executive Law (“NYEL”) and that Defendants Gierasch and Devine aided, abetted, incited and participated in such unlawful discrimination under the NYEL.

On May 7, 2021, Defendants moved to dismiss Plaintiff’s Complaint in its entirety. (ECF No. 22.) By Report and Recommendation (“R&R”) dated February 28, 2022, the Honorable Magistrate Judge Steven Tiscione recommended dismissal of all of Plaintiff’s claims. (ECF No. 25.) No objections have been filed and the time for doing so has since passed. For the reasons stated below, the R&R is adopted in its entirety.

“Where parties receive clear notice of the consequences, failure to timely object to a

magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.” Smith v. Campbell, 782 F.3d 93, 102 (2d Cir. 2015) (quoting Mario v. P & C Food Mkts., Inc., 313 F.3d 758, 766 (2d Cir. 2002)); see also Phillips v. Long Island R.R. Co., 832 F. App’x 99, 100 (2d Cir. 2021) (same). In the absence of any objections, “the district court need only satisfy itself that there is no clear error on the face of the record.” Estate of Ellington ex rel. Ellington v. Harbrew Imports Ltd., 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011) (internal citations omitted).

The Court has reviewed the record and the unopposed Report and Recommendation for clear error and, finding none, hereby adopts Judge Tiscione’s Report and Recommendation in its entirety as the opinion of the Court.

Accordingly, the Court orders that the Defendants’ motion to be dismissed be granted. The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: April 20, 2022
Central Islip, New York

/s/ JMA
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE